

EXHIBIT DD

**Department Response to Thompson Horton's
Assessment,
HOU00007408-7416**

**Department Response to Thompson Horton's Assesment of HFD Harrassment/Discrimination Policy
(from December 7, 2009)**

Location & Description	Finding #/ Subject	Audit Finding	Recommendation	Management's Response	Follow-Up Work Performed	Follow-up Comment(s)
A	Leadership Commitment	Leaders must demonstrate commitment to improving the current conditions if recommendations are to be effective.	City and HFD Command must continue and build-upon actions that demonstrate that harassment and discrimination will not be tolerated and that this commitment is a vital part of and not incidental to HFD's Mission.	On June 3, 2009 a written order was distributed to the entire department re-iterating that harassment and discrimination will not be tolerated and reminding all employees of the consequences of such actions. In addition, reference to offensive artifacts and symbols was added to the directive.	In April 2010, EEOC and Fire Line - Do Not Cross Discrimination and Sexual Harrassment Are Against the Law! posters were posted at all HFD fire stations and HFD facilities. See attached.	The attached Diversity and Equality Statement from the Fire Chief will be part of the Leadership training. See attached.
B	Improve and Consolidate Policies	HFD is subject to many disparate, overlapping and in some cases conflicting City and Department Ordinances, orders, rules, and policies addressing harassment and discrimination related issues. This has led to confusion and inconsistency in the processing	HFD and the City should conduct a comprehensive overhaul and consolidation of current rules into a single discrimination/harassment policy.	The Mayor has issued revised AP 1-20 and newly created AP 1-50. Building upon these directives and other sound guidance the HFD is currently revising all guidelines including the Rules and Regulations which set the standards of conduct both on and off duty. A section of the R&R will be included to address discrimination and harassment.		Two District Chiefs and a Captain have been tasked with revising all guidelines including the Rules and Regulations. Specifically, a comprehensive revision/consolidation of conflicting/overlapping rules within the HFD Rules and Regulations will begin November 2011. A separate policy consistent with the Mayor's Executive Orders regarding discrimination, harassment, and retaliation will be implemented, and the consequences of violating this policy will be appropriately and directly addressed in the Behavior Manual.

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C	Improve HFD Behavior/ Discipline Manual	HFD has adopted a Behavior Manual that contains a progressive discipline system. Most command staff and all chief officers have received the Manual and training however many firefighters are unaware that a Manual exists.	HFD should update this Manual and provide training to ensure that (1) specified rule violations, particularly those pertaining to harassment and discrimination, have appropriate penalties in place, (2) supervisors are thoroughly familiar with and trained	The HFD Behavior Manual is closely tied to the Rules and Regulations. Once the R&R are revised the HFD Behavior Manual will be updated to reflect the recommended disciplinary measures to be taken for all rules infractions. Training on the Behavior Manual and the complaint process was conducted in January and February of 2010.	In September 2010, the Behavior Manual was posted on the HFD Desktop, which is easily accessible by all members of HFD. Once the revision of the HFD Rules and Regulations has been completed, the Behavior Manual will be revised to prescribe consequences appropriate for the infraction. Additionally, the consequences for violating policies regarding discrimination, harassment, and retaliation will be transparent and consistent.	
D	Improve Training	HFD members are dissatisfied with current EEO training or feel that it is ineffective.	The City and HFD should provide practical and on-going training to various employee groups, including: (1) general workplace conduct training for all employees, (2) hands-on personnel management training as a pre-requisite to promotion to supervisory pos	The HFD has assigned two individuals to work with the Mayor's Affirmative Action Division to develop and conduct training classes for all employees. Training has been conducted at all ARFF Stations and will progress through the remaining Special Operations Divisions and ultimately to all employees as quickly as can be scheduled. An independent EEO Contractor has been employed to conduct comprehensive classes for all Command Staff and Senior Management personnel to address EEO/Diversity issues. These classes will be conducted in April 2010. Plans are underway to develop management classes for all current officers with implementation to begin in FY2011.	COH HR completed a 4-hour general training class for all HFD employees in June 2011. In May 2010, 376 Classified members of HFD at or above the rank of Sr. Captain received training from Legal Watch on the laws, liabilities, and other EEO issues. There are 32 documented courses internal to HFD that are directed at EEO, Diversity, Cultural Awareness, hazing or other similar topics. Some are totally devoted to the issues and others contain a segment. Every Fire Cadet receives 4 hours of EEO training during the first week of employment. EEO training is included in all Newly Promoted Officer courses and all Instructor I courses. Some of the courses utilize case studies and role playing. Since January of 2010, 3649 employees were trained on EEO: Understanding Your Rights and Responsibilities. Phase II of the EEO training: Leadership that Creates Fairness in the Workplace training has started in September of 2011 and is scheduled to be completed by March 2012.	

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E	Provide HR Support	Currently no individual or group is responsible for all HR functions within the department.	HFD should have dedicated HR professionals assigned to manage substantive employee complaint processes.	The HFD does have a HR Division to manage all HR issues except complaints. All complaints are handled by the Staff Services Division in coordination with the Mayor's OIG. This has been in place for several years.		HFD Administration will consult with City HR Client Relations Manager to develop a point of contact to EEOC issues.
F	Recruit and Mentor Diverse Firefighter Candidates	Firefighters who experiences working in more diverse settings consistently had better awareness of the skills, abilities and talents of minority firefighters, particularly women.	HFD should expand upon current efforts to recruit qualified candidates and to provide mentoring to candidates prior to physical ability testing. HFD should also evaluate the extra credit given in the application process for certain experience or background	The HFD recruiting efforts have been very focused on minority and women for several years. In fact, almost no effort has been placed on recruiting any other segment of the community. In January 2009 a concentrated effort was undertaken to recruit and better prepare women for work in the fire service. These efforts are in the form of the Camp Houston Fire initiative and the 3rd Saturday Program. Both programs have been successful in creating interest and preparing young women for fire service jobs.		COH HR has continually embraced diversity recruiting, and plans to add enhancements to past initiatives' practiced on an ongoing basis. The 3 rd Saturday Women's Career and Fitness Experience will be reinstated in February/April of 2012, as well as the continuation of the HFD Open House at least once per year, with smaller hiring clinic occurring on an ongoing basis throughout the year. The relationship with the Camp Houston Fire Committee will be solidified to ensure a firm partnership for continued support from the Fire Administration. This program is proving to be a good feeder into Houston Community College, and we are investigating a partnership with them due to their high minority concentrations in all protected classes. Partnerships with Fire Department Employee Groups will also be a major factor. Other areas of concentrations will be stronger partnerships with area colleges and universities Athletic Departments and an extensive marketing campaign highlighting female and other minority presence in every facet of what we do.

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G	Clarify Transfer Policy	Transfers in HFD are governed largely by seniority. However, a long-standing practice of requiring a transferee to contact a station captain prior to transfer has, in practice, often conflicted with the seniority policy. HFD has eliminated any written req	HFD should stress to employees that the practice of courtesy calls should not continue.	The practice of having member call the Captain of the location they want to transferr to has been eliminated and removed from the Transfer Guideline.	While some individuals still have a perception that a courtesy call is in order, it is not condoned by management. The Transfer Guideline will be updated in FY12 with a strong emphasis on the elimination of this practice. At the same time, clear, objective criteria will be listed for District Chiefs to use for Transfer Denial Requests.	

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H	Ensure Confidentiality	Captains and supervisors are lax with confidential complaint information.	Current rules requiring the confidentiality of the complaint process should be stressed, new confidentiality rules applicable to administrative investigations conducted by HFD personnel should be promulgated and violators should be severely penalized.	Training was conducted in January and February of 2010 on the HFD Behavior Manual and the Complaint Process. Part of the training addressed the issue of confidentiality and the consequences of violating this directive. A renewed emphasis on confidentiality has been stressed within the Staff Services Division and Command Staff.	Background checks regarding previous discipline history, work ethic, etc. are conducted on all members working in Staff Services prior to being transferred to work in the Staff Services. The Office of Staff Services is secured (locked) when it is to be left unoccupied. The Archives Room remains locked at all times. All computers used by Staff Services-Internal Affairs personnel automatically log-off. Confidentiality is strongly stressed on a regular basis to the Staff Services-Internal Affairs personnel. All Open Records Requests are facilitated through a single Custodian of Records prior to routing to the Attorney General. All Internal Affairs Investigators are certified Investigators and Peace Officers. All cases of a more serious or sensitive nature are conducted by either the Internal Affairs Investigators or the Office of Inspector General. Language is included on 48-hour notifications, 30-day notification letters, and sworn affidavits regarding confidentiality. Notifications and affidavits are reviewed with and signed by recipients involved in the investigation. 48-hour notifications provided by Internal Affairs Investigators to recipients contain the following language regarding confidentiality: Any discussion of this investigation or distribution or sharing of administrative statements with anyone other than your legal representative may result in disciplinary action. This investigation and all related documents are considered confidential. 30-day notification letters issued to respondents contain the following language regarding confidentiality:	

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					<p>You are ordered by the Assistant Fire Chief over Staff Services not to contact the complainant regarding this investigation, and you are further ordered not to discuss this matter with anyone other than your legal representative or the investigator assigned to this case. Failure to abide by these directions may result in disciplinary action up to and including indefinite suspension. Sworn affidavits contain the following language regarding confidentiality:</p> <p>Any copies of this document which are released are released under Houston Fire Department Staff Services Control #XXXXXX are not authorized to be copied and/or distributed. This document is confidential and subject to State and Municipal Civil Service Law. It is intended only for the individual employee's use in the above referenced Internal Affairs investigation. All parties are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in this document by or to anyone other than recipient and/or his/her attorney in the above referenced case is unauthorized and strictly prohibited by law and city policy. You are hereby ordered by the Fire Chief of the Houston Fire Department, as authorized by Executive Order 1-39 § 6, not to discuss the investigation with anyone except your legal representative, and you are further ordered not to distribute, review and/or share administrative statements with anyone other than your attorney. Failure to abide by these directions by any city employee will result in disciplinary action up to and including an indefinite suspension. Illegal dissemination by non-employees will result in prosecution to the fullest extent allowed by law. _____ initial here</p>	
I	Non-Sustained Complaints	The standard for sustaining a complaint is high and perpetrators are often not identified.	When workplace misconduct occurs, even if a particular perpetrator is not identified, further action should nonetheless be taken to minimize repeat occurrences.			Non-formalized complaints are now referred to the Policy Awareness Program. An objective to develop a plan of action for non-sustained complaints has been included in the Strategic Plan.

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J	Physical Ability Requirements	Current physical ability testing requirements have not been validated as job-related and there appear to be significant misperceptions in HFD about such physical requirements, particularly with regard to the qualification of women candidates over the year	The City should validate current testing standards and ensure that future changes are validated to be job-related.	The HFD is currently conducting research as to the validation of the Physical Ability		Physical Ability Test statistics have been tracked since inception, and we have monitored stats as it relates to diversity. We plan to investigate the development and validation of a more job related physical ability test, like the CPAT or other similar test, to minimize any perceived exclusion because of an evolution that is perceived to be "non job related". A partnership with local community colleges to offer familiarity Physical Education courses that provide fire related fitness training will also be explored.
K	Hazing	Although initiation of rookie firefighters has been a long-standing tradition in many fire departments, HFD rules clearly prohibit hazing and similar abusive and disrespectful conduct.	The rules against hazing should be strictly enforced.	The HFD does not condone or tolerate hazing in any form. The HFD Rules and Regulations Section 9.03 addresses such behavior.	COH HR completed a 4-hour general training class for all HFD employees in June 2011. In May 2010, 376 Classified members of HFD at or above the rank of Sr. Captain received training from Legal Watch on the laws, liabilities, and other EEO issues. There are 32 documented courses internal to HFD that are directed at EEO, Diversity, Cultural Awareness, hazing or other similar topics. Some are totally devoted to the issues and others contain a segment. Every Fire Cadet receives 4 hours of EEO training during the first week of employment. EEO training is included in all Newly Promoted Officer courses and all Instructor I courses. Some of the courses utilize case studies and role playing.	

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L	Assignment of OIG Complaints	Complaints involving EEO matters currently are investigated by the Employee Relations Unit of the OIG. HFD has an internal rule that provides that investigators in the HFD Internal Affairs Unit of the OIG will investigate complaints.	The OIG should continue its current practice of assigning investigators of the Employee Relations Unit to investigate EEO complaints and to revise the rule accordingly to avoid confusion. ERU members should receive specialized EEO training and the manager	This issue seems to be addressed to the OIG Employee Relations Unit. HFD does not investigate matters of discrimination or EEO.	Investigations involving non-habitual infractions of a less serious nature (i.e. rudeness, AWOL) are typically investigated by District Chiefs in the field. December 2010 through January 2011, a Complaint Investigation Class was developed in order to improve the complaint investigations conducted by District Chiefs. This training emphasized professionalism, fairness, and consistency and included application of the Behavior Manual and Rules/Regulations through case studies. All Shift Commanders and District Chiefs completed this training in March 2011. The Complaint Investigations PowerPoint was placed on the Intranet in a folder readily accessible by Shift Commanders to use for subsequent training/re-training. Additionally, an investigator's training notebook was issued to each District Station, which included the PowerPoint, an Investigator's Packet, Case Study, Behavior Manual, Rules/Regulations, and Section 143.123 of the Texas Local Government Code. In February 2011, Staff Services began including an Investigator's Guideline Checklist in each Investigator Packet for consistency and to ensure that procedures protecting members' rights were followed.	

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					<p>Prior to March 2011, Staff Services assigned most field investigations directly to one of the eighty-four District Chiefs. To increase consistency and to add an additional layer of checks and balances, Staff Services now filters each field investigation through one of the eight Shift Commanders, who reviews the case and assigns to the appropriate District Chief. Upon completion of the investigation, the District Chief turns in the case to the Shift Commander, who reviews the findings prior to returning the case to Staff Services. After Staff Services receives the completed investigation, the case is reviewed by a Captain, a Chief Investigator, and the Assistant Fire Chief assigned to the Staff Services Division.</p>	
					<p>All complaints alleging discrimination, harassment, or retaliation are sent to the Office of Inspector General. Cases that are returned by OIG to be investigated internally are assigned to one of the six Internal Affairs Investigators. Upon completion of the investigation, the case is reviewed by the Designated Department Representative, who is also a state-certified Peace Officer and a Captain, and then reviewed by the Chief Investigator and the Assistant Fire Chief assigned to the Staff Services Division.</p> <p>Each of the above-mentioned Investigators, Chief Investigators, and Assistant Fire Chief is a state-certified Peace Officer and a state-certified Arson Investigator. Each of these Investigators is projected to receive training specific to EEO Investigations by March 2012. Since summer of 2011, a copy of the Filing a Discrimination Complaint form is given to employee filing a complaint. See attached.</p>	